

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DONALD KAHUT, *et al.*, : Case No. 3:25-cv-112  
Plaintiffs, :  
vs. : District Judge Michael J. Newman  
NVR, INC., *et al.*, : Magistrate Judge Peter B. Silvain, Jr.  
Defendants. :  
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**NOTICE OF DEFICIENCY AND ORDER**

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This matter is before the Court upon a *sua sponte* review for compliance with Federal Rule of Civil Procedure 7.1(a)(2). Third-Party Defendant Pro Crete, LLC has not filed a diversity disclosure statement as required by that Rule.<sup>1</sup> Third-Party Defendant Pro Crete, LLC is therefore **ORDERED** to file such a statement no later than **thirty days** from the date of this Order. A sample “Diversity of Citizenship Disclosure Statement” is available on the Court’s website.<sup>2</sup>

**IT IS SO ORDERED.**

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June 24, 2025

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*s/Peter B. Silvain, Jr.*

Peter B. Silvain, Jr.  
United States Magistrate Judge

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<sup>1</sup> Third-Party Defendant Pro Crete, LLC is a limited liability company. As such, its citizenship for purposes of diversity jurisdiction is determined by the citizenship of its members and sub-members. *See Akno 1010 Market St. St. Louis Mo. LLC v. Pourtaghi*, 43 F.4th 624, 626 (6th Cir. 2022) (citing *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009); *B&N Coal, Inc. v. Blue Race Midstream, LLC*, No. 19-4111, 2020 WL 9474311, at \*1 (6th Cir. Dec. 2, 2020)).

<sup>2</sup> <https://www.ohsd.uscourts.gov/ohio-southern-district-forms>